

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

DISTRICT OF NEW MEXICO

FILED

U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO

2016 SEP -6 AM 11:10

CLERK-LAS CRUCES

United States of America )

v. )

Sean S. Stinson )

Case No. 16-3391 MT

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 24-September 2, 2016 in the county of Dona Ana in the  
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 USC 875(c)

Transmitting Interstate Communications containing threat to injure a person

This criminal complaint is based on these facts:

See Attachment A.

☒ Continued on the attached sheet.

Complainant's signature

Sean Macmanus, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 9/6/16

City and state: Las Cruces, NM



Judge's signature

GREGORY J. FOURATT  
U.S. MAGISTRATE JUDGE

Printed name and title


**ATTACHMENT A - AFFIDAVIT**

I, Sean Macmanus, am a Special Agent with the Federal Bureau of Investigation and have been employed as such for almost 11 years. In my career, I have investigated numerous violations of a variety of federal statutes, including violent crimes, drug trafficking, and public corruption. I also have significant training and experience in telephonic communications, especially communications involving cellular telephones, and am a member of the FBI Cellular Analysis Survey Team (CAST). I have testified in federal and state courts regarding cellular telephone communications and the geolocation of cellular devices. Based upon my training and experience, I know that telephone communications, including cellular telephone communications, are transmitted by wire. Additionally, any telephonic communication originating in El Paso, Texas would, by necessity, travel in interstate commerce to be received in Las Cruces, New Mexico.

On or about August 11, 2016, Las Cruces Police Department (LCPD) Officer Christopher Gallegos contacted Sean Stinson on a recorded telephone call with regards to a temporary restraining order issued on Stinson by his wife. Stinson was using a cellular telephone with number (575)635-XXX7, which utilizes the Verizon Wireless cellular telephone network. During the call, Stinson frequently referred to the LCPD as "motherfuckers." During the call, Stinson told Officer Gallegos, "I am speaking of Officer Gardea [referring to LCPD Officer Brian Gardea] because that motherfucker is on my hit list." Later in the call, Stinson, referring to Officer Gardea, stated, "If I was still there, you're damn right I would find that motherfucker and kill him. That's the only motherfucker I want to kill" and "Fuck you, pigs." During the call, Stinson implied that he had left Las Cruces, New Mexico.

On August 24 and 25, 2016, Stinson left a series of nine voicemails on the office telephone of Lieutenant Joy Mickendrow, LCPD Professional Standards Unit, in Las Cruces, New Mexico. During the voicemails, Stinson stated he was at the El Paso Behavioral Health System Hospital in El Paso, Texas. Additionally, a recorded message from the El Paso Behavioral Health Systems Hospital can be heard at the end of one of the voicemails. In the messages, Stinson repeatedly refers to the City of Las Cruces and the LCPD as "motherfuckers." In one message, Stinson stated, "I want that bitch [referring to his wife] indicted and I want that fucking cop [referring to Officer Gardea] indicted or I will handle it my fucking self. And what I mean by 'I'll handle it my fucking self,' you know what the fuck I mean. 'Cause if they can pull a weapon out on me, I can pull a weapon out on two. The government taught me not to hesitate."

In another of the messages on August 24, 2016, Stinson stated, "And Officer Gardea, that fucking pig, like I said before, I'll say it again. I will have no problem slitting his fat throat if I see him again. So you guys might as well do the smart thing and resolve this matter and get that motherfucker off the street, or you will have a bloody fucking American horror story on your hands. I don't give a fuck what happens. I will end this shit myself." Stinson also stated, "Test me. I will fuck you all, fuck you all straight to hell." Further, Stinson stated, "Call the FBI...or I will hurt that fucking cop. I will hurt someone in that fucking state who is an official, if I have to, in order to make you guys pay attention." Later in the message, Stinson stated, "I'll stick my knife in his [referring to Officer Gardea] fucking throat and that is a fucking direct threat." Stinson also stated, "Guess what? I have a weapon too and I don't need a fucking gun. I'll find that motherfucker [referring to Officer Gardea] and I'll cut him down." Stinson went on to state, "Tell Officer Gardea he has a mortal enemy on the fucking street. I will kill him."



In another of the messages on August 24, 2016, Stinson stated, "I'm dead fucking serious. If I see one fucking problem I will attack. And you don't want me to fucking attack, I guarantee you."

In one of the messages on August 25, 2016, Stinson stated, "If you threaten me with a goddamn thing, I promise you, I will end that motherfucking cops life." In another message on August 25, 2016, Stinson stated, "Do not fucking test me. I will end this. I don't give a damn about any of you, any of you motherfuckers. So, yes, you have a threat, a direct fucking threat."

On or about September 2, 2016, Sean Stinson, using a cellular telephone with number (575)888-XXX4, which utilizes the Verizon Wireless cellular telephone network, made an unrecorded telephone call to Las Cruces Police Department (LCPD) in Las Cruces, New Mexico. The call was answered by LCPD employee B.R. During the call, Stinson told B.R. he "would get a sniper rifle and shoot us [referring to the LCPD] all one by one as we left the building." Stinson also told B.R. to "shut the fuck up" and called B.R. a "bitch" and a "cunt."

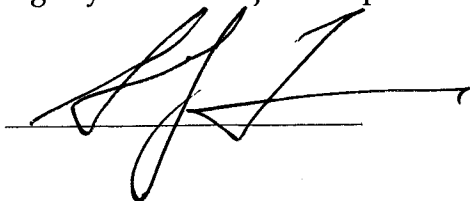
On or about September 2, 2016, Sean Stinson, using a cellular telephone with number (575)888-XXX4, which utilizes the Verizon Wireless cellular telephone network, made a series of telephone calls to the Office of Governor Susanna Martinez in Santa Fe, New Mexico. Some of the calls were recorded. During the calls, Stinson identified himself as "Sean Stinson" and blamed the LCPD for ripping apart Stinson's family. When questioned during one of the calls, Stinson said, "So, if I started hurting cops in that state, what would you do about it?" During the calls, Stinson repeatedly called the employee answering the phone "bitch" and referred to the Governor's Office as "motherfuckers." Stinson further stated "Officer Gardea's face is going to be...", at which point the state employee hung up the phone. In another call, Stinson stated, "I guarantee, motherfuckers, will never find...", at which point the state employee hung up the phone.

On September 2, 2016, agents of the United States Marshals Service (USMS), after obtaining a state court order for telephone information related to (575)888-XXX4, located Stinson in El Paso, Texas, in part based on information from Verizon Wireless estimating the location of the cellular telephone to be in El Paso, Texas.

Based on the above-described investigations conducted by the LCPD and USMS, I believe that Stinson was physically located in El Paso, Texas when he communicated telephonic threats to the LCPD and to the Office of the Governor of New Mexico. Accordingly, Stinson's threatening communications were necessarily transmitted in interstate commerce.

In several LCPD police reports regarding contacts with Stinson in 2016, Stinson provided his phone numbers as (575)888-XXX4 and (575)635-XXX7.

Based on the information described above, there is probable cause that Sean Stinson committed violations of Title 18, United States Code, § 875(c) – Transmitting in interstate commerce communications containing any threat to injure the person of another.



United States Magistrate Judge

**Gregory J. Fouratt**



Sean Macmanus  
FBI Special Agent